

A BILL TO BE ENTITLED

AN ACT

relating to local school health advisory councils and health education provided by school districts, including requirements regarding human sexuality instruction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.004, Education Code, is amended by amending Subsections (d), (d-1), (h), (i), (i-1), and (j) and adding Subsections (e-1) and (e-2) to read as follows:

(d) The local school health advisory council must consist of at least five members, with each member appointed by the [The] board of trustees ~~[shall appoint at least five members to the local school health advisory council]~~. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the council. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection:

- (1) public school teachers;
- (2) public school administrators;
- (3) district students;
- (4) health care professionals;
- (5) the business community;
- (6) law enforcement;

- 1 (7) senior citizens;
- 2 (8) the clergy;
- 3 (9) nonprofit health organizations; and
- 4 (10) local domestic violence programs.

5 (d-1) The local school health advisory council shall meet at
6 least four times each year and promptly submit the minutes of each
7 meeting to the school district. As soon as practicable after
8 receipt of minutes under this subsection, the district shall post
9 the minutes on the district's Internet website, if the district has
10 an Internet website.

11 (e-1) The board of trustees shall adopt a policy
12 establishing a process for the adoption of curriculum or curriculum
13 materials for the district's human sexuality instruction. The
14 policy must require:

15 (1) the board to adopt a resolution convening the
16 local school health advisory council for the purpose of making
17 recommendations regarding the curriculum or curriculum materials;

18 (2) the local school health advisory council to:

19 (A) after the board's adoption of the resolution
20 under Subdivision (1), hold at least two public meetings, at which
21 an opportunity for public comment is provided, on the curriculum or
22 curriculum materials before adopting recommendations; and

23 (B) provide the recommendations adopted under
24 Paragraph (A) to the board at a public meeting of the board, at
25 which an opportunity for public comment is provided; and

26 (3) the board, after receipt of the local school
27 health advisory council's recommendations under Subdivision (2),

1 to take action on the adoption of the recommendations by a record
2 vote at a public meeting.

3 (e-2) The commissioner shall adopt rules requiring school
4 districts to use a process for adopting curriculum materials for
5 the district's human sexuality instruction, subject to the
6 requirements under Subsection (e-1), that is substantially similar
7 to the process used by the State Board of Education in adopting its
8 list of instructional materials under Section 31.023.

9 (h) The board of trustees shall determine the specific
10 content of the district's instruction in human sexuality, in
11 accordance with this section [~~Subsections (e), (f), and (g)~~].

12 (i) Before each school year, a school district shall provide
13 written notice to a parent of each student enrolled in the district
14 of the board of trustees' decision regarding whether the district
15 will provide human sexuality instruction to district students. If
16 instruction will be provided, the notice must include:

17 (1) a summary of the basic content of the district's
18 human sexuality instruction to be provided to the student,
19 including a statement informing the parent of the instructional
20 requirements under state law;

21 (2) each date on which the district's human sexuality
22 instruction will be provided to the student along with a detailed
23 description of the content of the instruction to be provided on that
24 date;

25 (3) a statement of the parent's right to:

26 (A) receive a copy of [~~review~~] curriculum
27 materials as provided by Subsection (j); [~~and~~]

1 (B) remove the student from any part of the
2 district's human sexuality instruction without subjecting the
3 student to any disciplinary action, academic penalty, or other
4 sanction imposed by the district or the student's school; and

5 (C) use the grievance procedure as provided by
6 Subsection (i-1) or the appeals process under Section 7.057
7 concerning a complaint of a violation of this section;

8 (4) a statement that the curriculum materials for the
9 district's human sexuality instruction must be posted on the
10 district's Internet website and the Internet website address at
11 which the curriculum materials are located; and

12 (5) [~~3~~] information describing the opportunities
13 for parental involvement in the development of the curriculum to be
14 used in human sexuality instruction, including information
15 regarding the local school health advisory council established
16 under Subsection (a).

17 (i-1) A parent may use the grievance procedure adopted under
18 Section 26.011 concerning a complaint of a violation of this
19 section [~~Subsection (i)~~].

20 (j) A school district shall:

21 (1) on request by a parent of a student enrolled in the
22 district, provide by mail or e-mail to the parent a copy of [make]
23 all curriculum materials used in the district's human sexuality
24 instruction; and

25 (2) post on the district's Internet website all
26 curriculum materials used in the district's human sexuality
27 instruction [~~available for reasonable public inspection~~].

1 SECTION 2. Section 551.001(3), Government Code, is amended
2 to read as follows:

3 (3) "Governmental body" means:

4 (A) a board, commission, department, committee,
5 or agency within the executive or legislative branch of state
6 government that is directed by one or more elected or appointed
7 members;

8 (B) a county commissioners court in the state;

9 (C) a municipal governing body in the state;

10 (D) a deliberative body that has rulemaking or
11 quasi-judicial power and that is classified as a department,
12 agency, or political subdivision of a county or municipality;

13 (E) a school district board of trustees;

14 (F) a county board of school trustees;

15 (G) a county board of education;

16 (H) the governing board of a special district
17 created by law;

18 (I) a local workforce development board created
19 under Section 2308.253;

20 (J) a nonprofit corporation that is eligible to
21 receive funds under the federal community services block grant
22 program and that is authorized by this state to serve a geographic
23 area of the state;

24 (K) a nonprofit corporation organized under
25 Chapter 67, Water Code, that provides a water supply or wastewater
26 service, or both, and is exempt from ad valorem taxation under
27 Section 11.30, Tax Code; ~~and~~

1 (L) a joint board created under Section 22.074,
2 Transportation Code; and

3 (M) a local school health advisory council
4 established under Section 28.004, Education Code.

5 SECTION 3. Section 552.003(1), Government Code, is amended
6 to read as follows:

7 (1) "Governmental body":

8 (A) means:

9 (i) a board, commission, department,
10 committee, institution, agency, or office that is within or is
11 created by the executive or legislative branch of state government
12 and that is directed by one or more elected or appointed members;

13 (ii) a county commissioners court in the
14 state;

15 (iii) a municipal governing body in the
16 state;

17 (iv) a deliberative body that has
18 rulemaking or quasi-judicial power and that is classified as a
19 department, agency, or political subdivision of a county or
20 municipality;

21 (v) a school district board of trustees;

22 (vi) a county board of school trustees;

23 (vii) a county board of education;

24 (viii) the governing board of a special
25 district;

26 (ix) the governing body of a nonprofit
27 corporation organized under Chapter 67, Water Code, that provides a

1 water supply or wastewater service, or both, and is exempt from ad
2 valorem taxation under Section 11.30, Tax Code;

3 (x) a local workforce development board
4 created under Section 2308.253;

5 (xi) a nonprofit corporation that is
6 eligible to receive funds under the federal community services
7 block grant program and that is authorized by this state to serve a
8 geographic area of the state; ~~and~~

9 (xii) the part, section, or portion of an
10 organization, corporation, commission, committee, institution, or
11 agency that spends or that is supported in whole or in part by
12 public funds; and

13 (xiii) a local school health advisory
14 council established under Section 28.004, Education Code; and

15 (B) does not include the judiciary.

16 SECTION 4. Sections 28.004(d), (d-1), (i), (i-1), and (j),
17 Education Code, as amended by this Act, apply beginning with the
18 2019-2020 school year.

19 SECTION 5. Sections 28.004(e-1) and (e-2), Education Code,
20 as added by this Act, and Section 28.004(h), Education Code, as
21 amended by this Act, apply beginning with the 2020-2021 school
22 year.

23 SECTION 6. (a) Section 551.001, Government Code, as
24 amended by this Act, applies only to a meeting held on or after
25 September 1, 2019. A meeting held before September 1, 2019, is
26 governed by the law in effect immediately before September 1, 2019,
27 and the former law is continued in effect for that purpose.

1 (b) Section 552.003, Government Code, as amended by this
2 Act, applies only to a request for public information received on or
3 after September 1, 2019. A request for public information received
4 before September 1, 2019, is governed by the law in effect when the
5 request was received, and the former law is continued in effect for
6 that purpose.

7 SECTION 7. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2019.